

Turkey's Constitution of 1921 and Turkey's Culture Wars of 2021

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2021 marks the centennial of Turkey's so-called 'Constitution of 1921'. Turkish academics (constitutional law scholars in particular) have seized the opportunity: they appear on TV shows, write blog posts —guilty as charged!—, host [roundtables](#), and they ramble on and on (again, guilty as charged in what follows...). Political elites, including those from the governing party, similarly make [occasional references](#) to the document. Interestingly, both academics and politicians, who don't often see eye to eye, describe the document in praiseworthy terms. An interesting picture has emerged as a consequence: Two diametrically opposed worldviews (largely secular constitutional law scholars on the one end and AKP officials and supporters on the other, to put it crudely) drawing inspiration from the same document but with different motivations and in order to reach different outcomes. And that's what's actually interesting about the centennial, not what academics have to offer on the substance of the Constitution of 1921 nor what AKP politicians have to say about the same. That everybody seems to offer a version of the Constitution of 1921 that is in support of their unique worldview and their version of the ideal future for Turkey is what is really striking about the ongoing discussions. The centennial, then, has resulted in the Constitution of 1921 becoming the new venue for Turkey's ongoing culture wars.

Simply put, scholars and politicians have failed in answering the question, "What was the Constitution of 1921?". But in this failure, and in retrospectively superimposing their own worldview on the document, they have unintentionally answered a far more intriguing query, namely "What *is* the Constitution of 1921?"

It is the site for Turkey's ongoing culture wars.

The Academe and Its Misplaced Nostalgia for 1921

Almost all of the academic "talk" on the Constitution of 1921 is either inaccurate or biased – and downright useless for purposes of historical reconstruction. Most of the scholars commenting on the period would have been unable to read primary sources from that time, including the Constitution of 1921, had these sources not been transcribed from their original Ottoman script to present-day Turkish (and not all are). As such, most of these scholars just rely on secondary sources written by constitutional lawyers in the 1980s and 1990s. There's nothing new or original these academics have to offer, and certainly no impressive legal-archeological work that contributes to our understanding of the "1921 Constitutional period," if one can call it that, given that the document remained in force for only three years until it was replaced by the 1924 Constitution – and it's pretty dubious whether the document was honored as a matter of political reality during those three years. In other words, shedding light on the Constitution of 1921, if that is the purpose of

the centennial, should involve a careful discussion of primary sources immediately preceding and following the adoption of the document, a careful examination of parliamentary minutes, and of the political context. I haven't seen any of that, save for a [compilation](#) published in 2017 on the debates surrounding the adoption of the document.

The usual "talk" on the Constitution of 1921 uses trite descriptions to somehow convince us that the document was a milestone in Turkish legal and political history. We are usually thrown at a few provisions from the document in lieu of evidence. One scholar describes the document as having "[ushered in a new era](#)," another as having "[mark\[ed\] a significant break with the imperial and monarchical past](#)," and so forth. These are mostly regurgitations of the historical narrative meticulously shaped by founding era elites from the 1930s onward (sometimes referred to as Kemalists, named after Mustafa Kemal, Turkey's first president) and systematically imposed on Turkish citizens: a teleological and linear reading of history with easily identifiable inflection points of "progress," including the enactment of the Constitution of 1921. Some scholars go as far as to suggest, based on a couple of obscure provisions, that the document granted unprecedented autonomy to local governments. Some also suggest that the document remains the only democratically-made constitution in Ottoman/Turkish history, because it wasn't the product of a coup or enacted by the grace of a sultan.

Thankfully, on occasion, a few sentences of reality "kick in," and bold assertions such as the above, which otherwise invite a complacent belief in how wonderful a document the 1921 Constitution was, are partially qualified: While the Constitution of 1921 "[was unprecedented](#)," on account of being enacted by a democratically (!) elected assembly, "[women, peasants, and laborers were not represented](#)." The assembly enacting the document is also described in one instance, and without going into details, as hailing from "[different ethnic and ideological backgrounds](#)," although one wonders what those backgrounds were and *weren't*, given the political climate of the early 1910s and 1920s. Or consider this: While the 1921 Constitution granted unprecedented autonomy to local administrations, "[these provisions concerning local autonomy have never been enforced](#)." Etcetera, etcetera. Some exceptional voices do deviate from the orthodoxy and actually point to historical facts that suggest that the Constitution of 1921 was, in some terms, quite regressive, not least because of its "[all-male composition](#)," especially at a time when the Ottoman-Turkish feminist movement was on the rise.

With some exceptions, then, these clumsy descriptions of the 1921 Constitution ultimately designate the document as a progressive turning point in Ottoman/Turkish constitutional history, while bringing political reality into the picture only remotely and as an afterthought. This is symptomatic of a number of issues that continue to bedevil Turkish constitutional scholarship: (1) the myopic focus on text at the expense of context; (2) the ideological posture of constitutional law scholars or what may be termed Turkey's "constitutional law establishment" (now changing, and not entirely in a better direction...) that accepts parts of the Kemalist historical narrative as axiomatic truths; (3) and relatedly, the impulse to read history teleologically, as a line moving upward and downward, through progressive and regressive episodes.

¹⁾The influence, singlehandedly, of Bulent Tanor (1940-2002) cannot be overlooked. He was a towering figure in Turkish constitutional law and history. Readers might be surprised to see the name of a single person as a reason, in and of itself, as to why Turkish scholars are so eager to couch the Constitution of 1921 in progressive terms. But the truth is that, while Bulent Tanor (who was and, in my view, remains one of the greatest scholars of Turkish constitutional law) succeeded in rehabilitating Ottoman constitutional history by drawing attention to points of continuity with republican Turkey and its institutions in many of his writings—a history that otherwise would have been readily consigned, at least rhetorically, to the ash heap of history by republican rhetoric—he concurrently (although I'm sure unintentionally) imposed his teleological reading of history on his followers. Tanor's *Osmanli-Turk Anayasal Gelismeleri* (Ottoman-Turkish Constitutional Developments) remains an unmatched work in Turkish constitutional law scholarship, perhaps a canon in the field.

From Academic Mumbo Jumbo to Culture Wars

All of this goes to show that those looking for a robust reconstruction of history or a hitherto unarticulated point of view will be utterly disappointed after reading much of the scholarly commentary commemorating the Constitution of 1921. But what's useful about these scholars' otherwise not-so-useful contributions is that their biased discussion of the 1921 Constitution, largely repackaging a Kemalist framing of Turkish history, is symptomatic of the ongoing culture wars in Turkey.

On the one hand, a sizeable community of Turkish constitutional law scholars frame the Constitution of 1921 as a panacea to all evils present, or at least as a “progressive” step in Turkish history: This document ostensibly planted the seeds for democracy, secularism, and local autonomy. These are largely inaccurate (or more tactfully put, “hyperbolic”) statements, given that early republican Turkey was neither democratic nor secular, not even on paper, as it becomes clear upon close examination.

On the other hand, AKP elites and supporters, including President Erdogan and the current Minister of Justice, have [made calls](#) for a new constitution that would be drafted with the “spirit” of the Constitution of 1921 in mind – whatever that means, it must mean something quite different than what many Turkish constitutional law scholars have in mind. To give another example, while some scholars insist on describing the Constitution of 1921 as a milestone for secularism (although it expressly provided that Islam was the state religion), an imam at Hagia Sophia recently [tweeted](#) about the Constitution of 1921, drawing on it as justification to abolish secularism and declare Islam as the state religion, should Turkey decide to adopt a new constitution. Whatever the Constitution of 1921 meant at the time of its adoption, it sure means many and even contradictory things to different people in present-day Turkey.

From 1921 to 2021

I can't and don't offer a complete answer to the question, "What was the 1921 Constitution?," although I'm sure that it wasn't as impressive a "breakthrough" as constitutional scholars would have us believe. But I can and do offer a tentative answer to what I think is the more interesting question, "What *is* the 1921 Constitution?" – in other words, what is its utility *today*? My answer is that because the 1921 Constitution is an incoherent document that enables divergent interpretive outcomes, it is a malleable tool of constitutional argumentation, capable of being invoked with equal force and rigor by secularists and Islamists, ultra-nationalists and separatists, radicals and centrists, and so forth. (In fact, the document was perhaps [deliberately drafted](#) in an incoherent way in order to appeal to a wider audience at the time of its enactment.) At its centennial, the Constitution of 1921 has become just another site for Turkey's ongoing culture wars.

The misguided effort on the part of (what's left of) Turkey's secular constitutional law academics to couch the Constitution of 1921 as a progressive document is not only intellectually problematic, given that the political context preceding and following the enactment of that document contradicts that framing, but also useless, or worse, dangerous from a strategic standpoint: The Constitution of 1921 is worded so capaciously that almost any ideological persuasion in present-day Turkey can legitimize its ideology by referring to it. Efforts to repackage the Constitution of 1921 as a progressive document opens up too big a can of worms – we should all bear that in mind.

References

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